IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Ramdev Vs. Smt.Manbhar & Anr.

S.B.CR.MISC. PETITION NO.114/2006

DATE OF ORDER :: Sept. 19, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Sandeep Mehta, for the petitioner.

BY THE COURT:

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioner has challenged the order dt. 17.10.2005 passed by the Additional Sessions Judge No.2, Bhilwara (for short 'the revisional court' hereinafter), whereby the revision petition filed by the petitioner against the order dt. 25.7.2003 passed by Judicial Magistrate, Jahazpur, Bhilwara, was partly allowed and the order dt. 25.7.2003 granting maintenance in favour of non-petitioner No.1 passed by the trial court was set aside, however, the order granting maintenance in favour of non-petitioner No.2 Mst. Sunita aged 14 years in the year 2002, was maintained.

I have heard learned counsel for the petitioner.

It is contended by the learned counsel for the petitioner that the petitioner has disputed that the non-petitioner No.2 was not born from his loin and, therefore, she is also not entitled for the maintenance. Both the courts below concurrently did not find the substance in the contention raised by the learned counsel in this regard and, therefore, this question cannot be gone in exercising the inherent jurisdiction of this Court and, therefore, the order impugned calls for no interference. Learned counsel submits that by now the non-petitioner No.2 has attained the majority and the maintenance is awardable up to the attaining the majority. Obviously, it appears from the order of the trial court dt. 25.7.2003 that in the year 2002 when the application was filed for the maintenance, the age of the non-petitioner No.2 as mentioned was 14 years and by now she has attained the majority and, therefore, the order of maintenance is only up to the period the non-petitioner No.2 attains the majority. In this view of the matter, I do not find any error, illegality or perversity in the order impugned.

The petition is, therefore, dismissed. Stay petition also stands dismissed.

[H.R.PANWAR],J.

m.asif/-